

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY S. CARDACI, et al.,

Defendants.

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HON. JEROME B. SIMANDLE

Civil No. 12-5402 (JBS/AMD)

**ORDER**

This matter having come before the Court on cross-motions for summary judgment [Docket Items 27 & 33] and the government's motion for default judgment [Docket Item 27]; the Court having considered the submissions of the parties and having heard oral argument; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 29th day of October, 2013, hereby

ORDERED that the government's motion for summary judgment is GRANTED in part as to the adequacy of the assessment procedures; and it is further

ORDERED that judgment is entered against Defendant Gary Cardaci for a Trust Fund Recovery Penalty for the four quarters of 2000 and the first quarter of 2001, in the amount of \$80,084.87, as of February 12, 2013, plus interest accruing after that date; and it is further

ORDERED that the government's motion for summary judgment is DENIED in part without prejudice as to forcing a sale of the

property; and it is further

ORDERED that Defendants Gary and Beverly Cardaci's cross-motion for summary judgment is DENIED in part with prejudice as to the dismissal of Count III; and it is further

ORDERED that Defendants' cross-motion for summary judgment is DENIED in part without prejudice as to prohibiting a forced sale of the property; and it is further

ORDERED that the government's motion for default judgment is GRANTED against Defendants Ed Wood Custom Drywall, Inc., and Tri-County Building Supplies, Inc.; these Defendants have no interest in the Cardaci property and are not entitled to any distributions or other payment derived from the value of the property; and it is further

ORDERED that counsel shall appear for a final scheduling conference on a date to be set by the Honorable Ann Marie Donio, and the date for the final hearing shall be set before the undersigned on January 31, 2014 at 1:30 p.m.

**s/ Jerome B. Simandle**  
Jerome B. Simandle  
Chief U.S. District Judge